

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIAM M. ZANOTTI,

Plaintiff,

v.

Case No. 20-cv-866-pp

JEFFERY L. FREUND, *et al.*,

Defendants.

**ORDER DISMISSING CASE FOR PLAINTIFF'S FAILURE TO PAY INITIAL
PARTIAL FILING FEE**

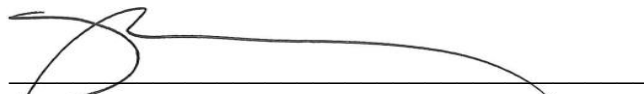
Plaintiff William Zanotti is representing himself in this 42 U.S.C. §1983 lawsuit. When the plaintiff filed his complaint, he also filed a motion to proceed without prepaying the filing fee. Dkt. No. 2. The Prisoner Litigation Reform Act ("PLRA") applies to this case because the plaintiff was incarcerated when he filed it. 42 U.S.C. § 1997e(h). Under the PLRA, a plaintiff must pay an initial partial filing fee as a condition of proceeding without prepaying the entire filing fee. 28 U.S.C. § 1915(b). On June 9, 2020, Magistrate Judge Stephen C. Dries (the judge previously assigned to this case) issued an order requiring the plaintiff to pay an initial partial filing fee of \$15.65. Dkt. No. 5. Judge Dries gave the plaintiff a deadline of June 30, 2020 by which to pay the partial fee. Id. Judge Dries's order also explained that the court could dismiss the case if the plaintiff failed to pay the initial partial filing fee or show cause for failing to do so. Id. at 3.

The June 30 deadline has come and gone. The court has not received the initial partial filing fee. The plaintiff has not corresponded with the court in any way since filing his lawsuit on June 8, 2020. He has not returned the consent form the Clerk of Court's office sent him the day he filed his lawsuit. See Dkt. No. 4. According to the Wisconsin Inmate locator, available at <https://appsdoc.wi.gov/lop/home.do>, the plaintiff remains in custody at Oshkosh Correctional Institution, which is where he was housed when he filed this lawsuit, and none of the documents the court has sent him have been returned. The court has no reason to believe the plaintiff has not received mail from the court. The court concludes that the plaintiff is not diligently prosecuting his case. The court will dismiss the case without prejudice under Civil Local Rule 41(c).

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** under Civil Local Rule 41(c) (E.D. Wis.) for the plaintiff's failure to prosecute it. The court will enter judgment accordingly.

Dated in Milwaukee, Wisconsin, this 24th day of July, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge